

## REMARKS

Claims 1-9 and 12-17 were pending in the application. Claims 1, 12, and 14 have been amended. Claims 4 and 5 have been canceled. Claims 18-20 have been added. No new matter has been introduced. Support for new claims 18-20 can be found, for example, in paragraphs [0040] to [0042]. Thus, claims 1-3, 6-9, and 12-20 are pending for reconsideration at this time.

### Information Disclosure Statement

Enclosed herewith please find a copy of the Information Disclosure Statement filed February 12, 2003, a copy of its corresponding form PTO/SB/08 and references, and a copy of the receipt from the PTO mailroom indicating that the PTO mailroom received the February 12, 2003 IDS, form PTO/SB/08, and references.

### 35 U.S.C. §112 Rejections

Claims 1-9 and 12-17 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Claim 1 (as it exists prior to the present amendment) recites that the power control module is arranged to supply power to the host machine from the battery (only) (mode 1), the generator (only) (mode 2), or the battery and generator (mode 3). The Examiner contends that "no written description of the power unit operating utilizing the generator only (mode 2) is found." Applicants respectfully disagree. Paragraph [0052] of the specification states, "After the transient event has passed, and the host vehicle 31 electrical current demand drops to a value below that supplied by the generator 22 and electronic controls 24, the surplus current will once again be returned to the battery 26 for charging." Inherent in this disclosure is a mode of operation in which all of the power supplied by the power control module is from the generator 22—otherwise, the generator 22 would not be able to both provide the host vehicle electrical current demand and charge the battery, as disclosed

in paragraph [0052]. The battery 26 need not be electrically disconnected from the power control module to satisfy the recitation that the power control module is arranged to supply power from the generator. Nevertheless, to expedite prosecution of this case, Applicants have amended the claims to remove "or said generator," but reserve the right to claim this subject matter in a future application.

### **Prior Art Rejections**

Claims 1-9, 12, and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of German Publication 19641254 (hereinafter "GP '254") and U.S. Patent No. 4,961,151 to Early et al. (hereinafter "Early"). Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of GP '254, Early, and International Electric Vehicle Symposium Paper Number 782407(E) (hereinafter "Paper '407"). Applicants respectfully traverse these rejections for at least the following reasons.

Amended claim 1 recites a modular hybrid power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, the host machine designed and built to operate on electrical power supplied by a removable battery contained in a battery compartment. The power source further comprises a remotely mounted operator interface module connected to the power control module.

GP '254 discloses a vehicle designed to accept one or more of a variety of power supply modules, including a hybrid power assembly. Unlike the present invention, the vehicle of GP '254 is specifically designed to accept the various power supply modules. This document does not teach, suggest, or disclose a power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, as recited in claim 1 of the present application. Early fails to cure the deficiencies of GP '254. Thus, independent claim 1 is believed to be patentable over the cited references. Withdrawal of the rejection is respectfully requested.

Further, claims 2, 3, 6-9, and 16-20 depend from claim 1 and contain further patentable limitations. For example, new claim 19 recites that the interface module allows an operator to select between a manual and an automatic operation of the electrical power generator, wherein, in a manual operation of the generator, the operator may turn the generator on and off as

desired, and wherein, in an automatic operation of the generator, the power control module is configured to turn the generator on and off depending on at least one of a battery charge level and a host machine energy consumption rate. Neither GP '254 nor Early teaches, suggests, or discloses this feature. Claims 2, 3, 6-9, and 16-20 are believed to be patentable over the cited references, and withdrawal of the rejections is respectfully requested.

Claim 12 contains limitations similar to claim 1, and is believed to be patentable over the cited references for at least the same reasons. Claims 13-15 depend from claim 12 and contain further patentable limitations. Therefore, claims 12-15 are believed to be patentable over the cited references. Withdrawal of the rejections is respectfully requested.

#### **Response to Examiner's Remarks (p. 9 of Office Action)**

In point 10 of the Office Action, the Examiner suggests that, in determining patentability of the present subject matter, he considered statements made in a letter from Thomas W. Bailey to Foley and Lardner, dated February, 2003. Applicants respectfully point out that Thomas W. Bailey, at the time this letter was written, was an attorney representing Cellex Power Products, Inc., a company whose interests may not be aligned with Applicants'.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 8/20/03

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